

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

24 HOUR FITNESS USA, INC.,

Case No. 08-01681 SBA

Plaintiff,

ORDER

v.

[Docket No. 17]

APEX STORES, LLC; APEX, LLC;
APEX AT HOME; LLC,

Defendants.

Currently before the Court is the parties' stipulation and proposed order to extend time to file a responsive pleading and to set briefing schedule for Rule 12 motion [Docket No. 17] (the "Stipulation"). The parties stipulate to the following:

- 1) Defendants shall have until June 30, 2008 to respond to plaintiff's Amended Complaint;
- 2) Defendants intend to file a Rule 12 motion on June 30 and to schedule the hearing on the motion for July 29, 2008;
- 3) If July 29, 2008 is available for a hearing on the motion, plaintiff's opposition brief will be due on or before July 15, 2008 and defendants' reply brief will be due on or before July 22, 2008; and
- 4) If July 29, 2008 is unavailable, defendants shall select the next available hearing date but that no changes to the briefing schedule set forth in the Stipulation shall be necessary.

In light of the Stipulation, the Court ORDERS as follows:

- 1) Defendants' response to plaintiff's Amended Complaint shall be due June 30, 2008;
- and

2) Defendants' anticipated Rule 12 motion shall be made, and any corresponding briefs shall be filed, pursuant to the Civil Local Rules. Please note, pursuant to Local Rule, motions must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing **not less than 35 days after service of the motion**. Civil L. R. 7-2(a).

IT IS SO ORDERED.

Dated: 6/19/08


SAUNDRA BROWN ARMSTRONG
United States District Judge